

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|----------------------------|---|-------------------------|
| JENNIFER HICKS, |) | |
| |) | CASE NO. 4:13CV02222 |
| Plaintiff, |) | |
| |) | |
| v. |) | JUDGE BENITA Y. PEARSON |
| |) | |
| COMPASS FAMILY & COMMUNITY |) | |
| SERVICES, |) | |
| |) | |
| Defendant. |) | <u>ORDER</u> |

On October 8, 2013, *pro se* Plaintiff Jennifer Hicks filed a complaint against Defendant Compass Family & Community Services. ECF No. [1](#). On October 28, 2013, the case was referred to United States Magistrate Judge Kathleen B. Burke for general pretrial supervision in accordance with [28 U.S.C. § 636](#). ECF No. [3](#). On February 21, 2014, Magistrate Judge Burke issued an order directing Plaintiff to demonstrate that service of process was accomplished on or before February 6, 2014, pursuant to [Fed. R. Civ. P. 4\(m\)](#), or show cause as to why service was not made within that time. ECF No. [4](#). Magistrate Judge Burke also warned that failure to serve Defendant within the time set forth in Rule 4(m) or failure to respond to the show cause order may result in the dismissal of the case for want of prosecution. ECF No. [4](#). Although the order was mailed to Plaintiff at her home address, Plaintiff never responded.

Thereafter, on April 21, 2014, Magistrate Judge Burke issued a report recommending that the Court dismiss the case without prejudice on account of Plaintiff's failure to serve Defendant,

(4:13CV02222)

and failure to show good cause for why Defendant was not served. ECF No. 5. On the same day, a copy of the magistrate judge's report to mailed to Plaintiff at her home address.

28 U.S.C. § 636 provides that a party may serve and file specific written objections within fourteen days after being served with the recommendations of the magistrate judge. Failure to object within this time waives a party's right to appeal the district court's judgment. Thomas v. Arn, 474 U.S. 140, 145, 106 S. Ct. 466, 88 L. Ed. 2d (1986). Moreover, 28 U.S.C. § 636 does not require a district judge to review a magistrate judge's report to which no objections are filed. *Id.* at 149.

Although the cutoff to file written objections was May 5, 2014; *see* ECF No. 5; Plaintiff has not filed any objections. Moreover, the Court finds that Magistrate Judge Burke's report is supported by the law and the record, and agrees with her recommendation.

Accordingly, the Court adopts the report and recommendation of the magistrate judge. This case is dismissed without prejudice for failure to perfect service under Rule 4(m).

IT IS SO ORDERED.

May 14, 2014
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge